

Arizona Revised Statutes
Title 32, Chapter 7
Arizona Podiatry Board

ARTICLE 1

32-801. Definitions

In this chapter, unless the context otherwise requires:

1. "Board" means state board of podiatry examiners.
2. "Electrical treatment" means the use of electricity in the diagnosis or treatment of an ailment of the foot or leg by electrodes, lights, rays, vibrators or a machine run by electricity.
3. "Leg" means that part of the lower limb between the knee and the foot.
4. "Letter of concern" means an advisory letter to notify a podiatrist that while there is insufficient evidence to support a disciplinary action the board believes the podiatrist should modify or eliminate certain practices and that continuation of the activities which led to the information being submitted to the board may result in action against the podiatrist's license.
5. "License" means a license to practice podiatry.
6. "Manipulative treatment" means the use of the hand or machinery in treatment of the foot or leg.
7. "Mechanical treatment" means application of a mechanical appliance of whatever material to the foot or leg, or to the shoe or other footgear.
8. "Medical treatment" means recommendation, prescription or local application of a therapeutic agent for relief of a foot or leg ailment.
9. "Podiatrist" is synonymous with podiatric physician and surgeon and means a person who, within the limitations of this chapter, is registered and licensed to practice podiatry by means of diagnosis or medical, surgical, mechanical, manipulative or electrical treatment of ailments of the human foot and leg, but does not include amputation of the foot, toe or leg nor administration of an anesthetic other than local.
10. "Podiatry" is synonymous with chiropody and means diagnosis or medical, surgical, mechanical, manipulative or electrical treatment of ailments of the human foot and leg, but does not include amputation of foot, toe or leg nor administration of an anesthetic other than local.
11. "Surgical treatment" means the use of a cutting instrument to treat an ailment of the foot or leg.

32-802. Board of podiatry examiners; compensation

- A. There shall be a state board of podiatry examiners which shall consist of five members appointed by the governor. Each member shall be appointed for a term of five years, to begin and end on February 1.
- B. Three members of the board shall have practiced podiatry continuously in this state for not less than two years immediately preceding appointment and shall have valid licenses to practice podiatry. Two members of the board shall be lay persons. All members of the board shall be citizens of the United States.
- C. A vacancy on the board occurring other than by the expiration of a term shall be filled by appointment by the governor for the unexpired term.
- D. All appointments shall be made promptly, and in the case of the vacancy of a professional member or members, appointment shall be made no later than ninety days from the expiration of the term or vacancy.
- E. The term of any member may, at the discretion of the board, end and the office be declared vacant for failure to attend three consecutive meetings of the board.
- F. Members of the board shall receive compensation of fifty dollars for each day of actual service in the business of the board.
- G. The state board of podiatry examiners may hire practicing podiatrists or other medical specialists, or both, as needed, in order to assist the board in giving examinations. Such examiners shall receive the same compensation as board members.
- H. The board may employ temporary and permanent personnel, including trained investigators, as it deems necessary to carry out the purposes of this chapter.

- I. Members, temporary and permanent personnel and examiners of the board are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this chapter.

32-803. Organization; meetings

- A. The board shall annually elect from its membership a president and a secretary at the annual meeting which shall be held in January.
- B. The board shall meet at least twice each year at such times and places as it determines. Special meetings may be called by the president or any three members.

32-804. Rule making powers

The board may adopt rules and regulations consistent with and necessary to carry out the provisions of this chapter.

32-805. Secretary of board; duties

- A. The secretary of the board shall receive compensation as determined pursuant to section 38-611.
- B. The secretary shall:
 1. Have charge of receipt and disbursement of funds of the board.
 2. Keep minutes of board meetings.
 3. Keep a record of licenses issued, refused, suspended and revoked, and of applications and examinations.
 4. Perform other duties the board prescribes.

32-806. Podiatry fund

- A. At the end of each calendar month, pursuant to sections 35-146 and 35-147, the secretary shall deposit ten per cent of all monies received by the board in the state general fund and deposit the remaining ninety per cent in the podiatry fund.
- B. All monies deposited in the podiatry fund shall be subject to the provisions of section 35-143.01.

ARTICLE 2

32-821. Persons not required to be licensed

This chapter shall not apply to:

1. Commissioned physicians and surgeons, osteopaths and podiatrists of a United States military branch of service, public health or veterans administration personnel in the actual performance of their official duties.
2. Licensed physicians and surgeons, osteopaths, chiropractors or naturopaths while lawfully practicing their professions.
3. A visiting podiatrist called into consultation from a state in which he is qualified to practice podiatry.
4. A manufacturer of or dealer in shoes or corrective appliances for prevention, correction or relief of foot ailments, if such manufacturer or dealer is not engaged in the practice of podiatry.
5. A student of an accredited podiatry school whose standards are recognized by the American podiatry association who is engaged, in an official hospital-based or office-based externship or clerkship training program approved by the podiatry school and the board, in the actual performance of the student's duties.
6. A graduate of an accredited podiatry school whose standards are recognized by the American podiatry association who is engaged, in an official hospital-based internship or residency training program approved by the American podiatry association, in the actual performance of such internship or residency duties.

32-822. Application for examination

- A. An applicant for a podiatry examination shall file with the secretary of the board of podiatry examiners, not less than ninety days before the date of such examination, an application to take the examination, accompanied by the required fee, on a form prescribed and furnished by the board. The application

shall contain evidence of the necessary qualifications as the board requires and shall be signed and sworn to by the applicant.

- B. An applicant for a license pursuant to section 32-827 shall file with the secretary of the board, no later than ninety days before the date of the next oral and practical examination, an application for a license pursuant to section 32-827, accompanied by the required fee, on a form prescribed and furnished by the board. The application shall contain evidence of the necessary qualifications as the board requires and shall be signed and sworn to by the applicant.
- C. Each application submitted pursuant to this section shall contain the oath of the applicant that:
 - 1. All of the information contained in the application and accompanying evidence or other credentials submitted is true and correct.
 - 2. The credentials submitted with the application were procured without fraud or misrepresentation or any mistake of which the applicant is aware and that the applicant is the lawful holder of the credentials.
- D. All applications, completed or otherwise, together with all attendant evidence, credentials and other proof submitted with the applications are the property of the board.
- E. The board shall, promptly and in writing, inform an applicant of any deficiency existing in his application for licensure under this article which prevents the application from being processed.
- F. An applicant who disagrees with the statement of deficiency shall upon request be granted a hearing before the board at its next regular meeting. At any hearing granted pursuant to this subsection, the burden of proof is on the applicant to demonstrate that the alleged deficiencies do not exist.

32-823. Qualifications of applicant

- A. An applicant, before being admitted to a podiatry examination, shall prove to the board that he:
 - 1. Is of good moral character.
 - 2. Is a graduate of an accredited podiatry school whose standards are recognized by the American podiatry association.
 - 3. Has the physical and mental capability to engage safely in the practice of podiatry.
 - 4. Has a professional record which indicates that he has not committed any act or engaged in any conduct which would constitute grounds for disciplinary action against a licensee under this chapter if he has previously engaged in the practice of podiatry.
 - 5. Has a professional record which indicates that he has not had a license to practice podiatry refused, revoked, suspended or restricted in any way by any other state, federal jurisdiction or country for reasons which relate to his ability to competently and safely practice podiatry if he has previously engaged in the practice of podiatry.
- B. The board may require the submission of such credentials or other evidence, written and oral, and make such investigation as it deems necessary to adequately inform itself with respect to an applicant's ability to meet the requirements prescribed by this section, including a requirement that the applicant for licensure undergo a physical examination, mental evaluation, an oral competence examination and interview, or any combination thereof, as the board deems proper.

32-824. Time of examinations

Examinations shall be held twice each year not less than five months apart at such time and place as the board may prescribe.

32-825. Examination of applicants for licensure

- A. An applicant for licensure shall take and pass an examination as prescribed by the board.
- B. Examinations shall be held each June and December unless otherwise provided by the board.
- C. An examination consists of the following:
 - 1. A state oral examination approved by the board.
 - 2. A national board written examination.
- D. A score of at least seventy-five per cent is required to pass both examinations. Scores shall not be averaged.
- E. The board may accept national board scores from another state for the written part of an applicant's score if the board is satisfied that the score is a national board score prepared by the professional examination service, was received by the applicant within the preceding five years and is on record at

the professional examination service. Scores the board receives from the national board examination shall be transcribed and recorded from the professional examination service.

- F. All examination materials, records of examination grading and performance records of educational institutions concerning applicants or licensees are confidential and are not public records.

32-826. Issuance of license

- A. The board shall issue a license to practice podiatry to every person who receives a passing grade on the examination, pays the required fee and furnishes satisfactory proof of successful completion of a one-year internship program.
- B. Each license shall be signed by the president and secretary and bear the seal of the board.
- C. The board shall deny a license to an applicant who satisfies all of the licensing requirements of this article if that applicant does not submit the license issuance fee within twelve months after taking the examinations. An applicant who fails to submit the fee within this time is required to reapply for licensure pursuant to this article.

32-827. Comity

Notwithstanding section 32-825, the board may issue a license to an applicant upon oral examination if the applicant has passed a written examination for and has been licensed to practice podiatry in another state or country from which he applies, provided:

- 1. The written examination of such other state or country was, in the opinion of the board, equivalent to the examination it used at the time the applicant passed such examination.
- 2. The requirements in such state or country were, at the date of registration or licensing, substantially equal to those then in force in this state.
- 3. The applicant has lawfully practiced podiatry in the state or country from which he applies for not less than five years within the seven years immediately preceding his application for a license in this state.
- 4. The applicant complies with all other requirements set forth in this chapter for a license.

32-829. Renewal or cancellation of license; change of address; continuing education

- A. Except as provided in section 32-4301, a license to practice podiatry expires on June 30 of each year. To renew the license the licensee shall submit the renewal fee prescribed in section 32-830 and present evidence satisfactory to the board that in the year preceding the application for renewal the licensee attended at least twenty-five hours of board approved continuing education courses or programs. A licensee who does not renew a license on or before July 30 shall also pay a penalty fee as prescribed in section 32-830 for late renewal. The board shall cancel a license if the licensee does not renew it on or before August 31. A person who practices podiatry in this state after the person's license is cancelled is in violation of this chapter.
- B. A person whose license is cancelled may reapply for a license to practice podiatry as provided in this chapter.
- C. On written application the board may waive the requirement provided in subsection A of this section for those licensees who submit satisfactory proof that they were prevented from attending educational programs because of disability, military service or absence from the continental United States.
- D. Each licensee shall promptly and in writing inform the board of the licensee's current office address and of each change in office address within thirty days.
- E. If the board finds that an applicant for license renewal has not met the board's continuing education requirements, it may allow the licensee an additional sixty days to meet those requirements after which time the applicant is ineligible for license renewal.

32-830. Fees

The board shall establish and collect fees not to exceed:

- 1. For taking licensing examinations, one thousand dollars. An applicant shall submit this fee with the application for licensure.
- 2. For application for a license pursuant to section 32-827 by a podiatrist from another state or country, five hundred dollars.
- 3. For issuing a license, five hundred dollars.
- 4. For annual renewal of a license, five hundred dollars.

5. For certifying a licensed podiatrist to authorities of another state or country, fifty dollars.
6. For late renewal of a license after July 30 through August 31, one hundred fifty dollars.
7. For initial registration to dispense drugs and devices, two hundred dollars.
8. For annual renewal of registration to dispense drugs and devices, one hundred dollars.

ARTICLE 3

32-851. Practicing podiatry without license prohibited

It is unlawful for a person to practice podiatry, or to hold himself out to be or assume or attempt to act as a podiatrist, without a valid unrevoked license to practice podiatry.

32-852. Revocation, suspension or refusal to issue license; civil penalty

- A. The board, after notice and a hearing, may suspend, revoke or refuse to issue a license upon proof against the applicant or licensee of any of the following:
 1. That he willfully revealed a privileged communication except as required by law. This paragraph is not deemed to prevent members of the board from the full and free exchange of information with licensing and disciplinary boards of other states or jurisdictions of the United States, with foreign countries or with any podiatry society of this state or any other state, county, district, territory or country.
 2. That he knowingly made a false or fraudulent statement, written or oral, required for application, examination or licensing or in connection with the practice of podiatry.
 3. That he had a professional association with or loaned the use of his name to an unlicensed podiatrist or an illegal practitioner of any of the healing arts.
 4. That he violated a provision of section 32-854.
 5. That he is guilty of other conduct that disqualifies him to practice podiatry with regard to the safety and welfare of the public.
 6. That he is guilty of unprofessional conduct as defined in section 32-854.01.
- B. The board may impose against a licensee determined by the board to be in violation of this section a civil penalty of not more than two thousand dollars. The board shall deposit, pursuant to sections 35-146 and 35-147, all monies it collects from civil penalties it imposes pursuant to this section in the state general fund.

32-852.01. Investigations; duty to report; unprofessional conduct hearing; decision of board; appeal

- A. The board on its own motion may investigate any evidence that appears to show that a podiatrist is or may be guilty of a violation of section 32-852. Any podiatrist or the Arizona podiatry association shall, or any other person may, report to the board any information the podiatrist, association or person may have that appears to show that a podiatrist is or may be guilty of unprofessional conduct or is or may be guilty of practice without regard for the safety and welfare of the public. Any podiatrist, association, health care institution or other person that reports or provides information to the board in good faith is not subject to civil liability and the name of the reporter shall not be disclosed unless the information is essential to the investigative proceedings conducted pursuant to this section. It is an act of unprofessional conduct for any podiatrist to fail to report as required by this subsection. The chief executive officer, the medical director or the medical chief of staff of a health care institution shall inform the board if the privileges of a podiatrist to practice in that health care institution are denied, revoked, suspended or limited because of actions by the podiatrist that appear to show that the podiatrist is or may be medically incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable to safely engage in the practice of podiatry, along with a general statement of the reasons, including patient chart numbers, that led the health care institution to take the action. The chief executive officer, the medical director or the medical chief of staff of a health care institution shall inform the board if a podiatrist under investigation resigns or if a podiatrist resigns in lieu of disciplinary action by the health care institution. Notification shall include a general statement of the reasons for the resignation, including patient chart numbers. The board shall inform all appropriate health care institutions in this state as defined in section 36-401 and the Arizona health care cost containment system administration of a resignation, denial, revocation, suspension or limitation, and the general reason for that action, without divulging the name of the reporting health care institution. A person who reports information in good faith pursuant to this subsection is not subject to civil liability.
- B. Based on information received pursuant to subsection A of this section, the board may order a summary suspension of a license pending formal proceedings for license revocation or other

disciplinary action if the board finds that the protection of the public health or safety requires emergency action. The board shall serve the licensee with a written notice that states the charges and that the licensee is entitled to a formal hearing before the board or an administrative law judge within sixty days.

- C. If the board finds after completing its investigation that the information provided pursuant to subsection A of this section is not of sufficient seriousness to merit direct action against the license of the podiatrist, it may take any of the following actions:
 - 1. Dismiss if, in the opinion of the board, the information is without merit.
 - 2. File a letter of concern.
 - 3. Issue a non-disciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.
- D. If the board finds after completing its investigation that the information is or may be true, the board may request an informal hearing with the licensee. If the licensee refuses the invitation or accepts the invitation and the results of the hearing indicate suspension or revocation of the license might be in order, the board shall issue a complaint and conduct a formal hearing pursuant to title 41, chapter 6, article 10. If the board finds at the informal hearing that the information provided under subsection A of this section is true but is not of sufficient seriousness to merit suspension or revocation of the license, it may take one or more of the following actions:
 - 1. File a letter of concern.
 - 2. Issue a decree of censure.
 - 3. Fix a period and terms of probation best adapted to protect the public health and safety and rehabilitate the licensee. If a licensee fails to comply with the terms of probation the board may file a complaint and hold a formal hearing pursuant to this section.
 - 4. Impose a civil penalty of not more than two thousand dollars for each violation. The board shall deposit, pursuant to sections 35-146 and 35-147, all monies collected pursuant to this paragraph in the state general fund.
 - 5. Issue a nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.
- E. If the board believes that the charge is or may be true, the board shall serve on the licensee a summons and complaint that fully states the conduct or inability concerned and the time and place of the hearing. The board shall schedule the hearing not less than thirty days after the date of the summons and complaint.
- F. The board may require that the licensee under investigation undergo any mental and physical examination and may conduct any investigation, including the taking of depositions, necessary to fully inform itself with respect to the complaint.
- G. If the licensee wishes to be present at the hearing in person or by representation, or both, the licensee shall file with the board a written and verified answer to the charges within twenty days after service of the summons and complaint. A licensee who complies with this subsection may be present at the hearing with any witnesses of the licensee's choice.
- H. The board may issue subpoenas for any witnesses, documents and other evidence it may need and for any witnesses, documents and other evidence the licensee may request. The superior court may hold a person who refuses to obey a subpoena in contempt of court.
- I. Service of the summons and complaint shall be as provided for service of the summons and complaint in civil cases.
- J. Service of subpoenas for witnesses shall be as provided by law for the service of subpoenas generally.
- K. The board may administer the oath to all witnesses, shall keep a written transcript of all oral testimony submitted at the hearing and shall keep the original or a copy of all other evidence submitted. The board shall make copies of the transcript available to the licensee at that person's expense and without charge to the court in which the appeal may be taken. At all hearings the board may waive the technical rules of evidence.
- L. A licensee who, after a hearing held pursuant to this section, is found to be guilty of a violation of section 32-852 or this section is subject to censure, probation as provided in this section, suspension of a license or revocation of a license, or any combination of these, for a period of time or permanently and under any conditions the board deems appropriate for the protection of the public health and

safety and just in the circumstances. The board may file a letter of concern if it finds that the violation is not of sufficient seriousness to merit censure, probation or suspension or revocation of a license.

The board may also issue a nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.

- M. Patient records, including clinical records, medical reports, laboratory statements and reports, any file, film, other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's family might be identified or information received and records kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public.
- N. Except as provided in section 41-1092.08, subsection H, final decisions of the board are subject to judicial review pursuant to title 12, chapter 7, article 6.
- O. This section and any other law relating to a privileged communication do not apply to investigations or proceedings conducted pursuant to this chapter. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this chapter.
- P. If the board acts to modify any podiatrist's prescription writing privileges, it shall immediately notify the state board of pharmacy of the modification.
- Q. A letter of concern is a public document and may be used in future disciplinary actions against a podiatrist.

32-853. Certain acts exempt from chapter

Nothing in this chapter shall prohibit the fitting, recommending, advertising, adjusting or sale of appliances, foot remedies or foot gear by retail dealers or manufacturers, provided that they shall not be made or fabricated by means of plaster casts or molds or by any other means for specific individual persons except on the prescription of a licensed podiatrist or physician.

32-854. Unauthorized practice

A license to practice podiatry shall not be issued to a corporation, partnership or association, but two or more licensed podiatrists may occupy and practice in the same office space.

32-854.01. Unprofessional conduct

Unprofessional conduct includes the following conduct, whether it occurs in this state or elsewhere:

1. Requesting, listing, accepting or receiving any rebate or commission for prescribing or recommending any footwear, drug, medicine, or other article to the licensee's patients.
2. Prescribing, dispensing or pretending to use, in treating any patient, any secret remedial agent, or manifesting or promoting its use in any way, or guaranteeing or implying to guarantee any treatment, therapy or remedy.
3. Representing that a disease or infirmity can be permanently cured, or that any disease, ailments or infirmities can be cured by secret method, procedure, treatment, medicine or devices, if this is not true.
4. Practicing podiatry under a trade name, under the name of another podiatrist, under any other name than that which appears on the practitioner's license, or under any title that misrepresents the practice of podiatry.
5. Advertising in a false, deceptive or misleading manner or advertising the quality of podiatric service.
6. Employing a solicitor to obtain business.
7. Fee splitting under any guise whatsoever.
8. Failing to report as required in section 32-852.01, subsection A.
9. Failing to obtain written informed consent from a patient before the licensee performs any surgical procedure on the patient.
10. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction is conclusive evidence that the licensee committed the crime.
11. Failing or refusing to maintain adequate records on a patient for at least seven years or failing or refusing to make the records available to a physician or another podiatrist within twenty-one days after request and receipt of proper authorization.
12. Habitual intemperance in the use of alcohol or habitual substance abuse.

13. Use of controlled substances or prescription-only drugs except if provided by a physician for use during a prescribed lawful course of treatment.
14. Prescribing controlled substances to members of the podiatrist's immediate family.
15. Providing any controlled substance or prescription-only drug for other than accepted therapeutic purposes.
16. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
17. Refusing to divulge to the board on demand the means, method, procedure, modality of treatment or medicine used in the treatment of a disease, injury, ailment or infirmity.
18. Violating any federal or state law applicable to the practice of podiatry.
19. The refusal, revocation or suspension of a license by any other licensing jurisdiction for inability to safely and skillfully practice podiatry or for unprofessional conduct as defined by that jurisdiction that directly or indirectly corresponds to any act of unprofessional conduct as prescribed by this section or any act under section 32-852.
20. Any conduct or practice that is or might be harmful or dangerous to the health of the patient.
21. Violating any formal order, probation or stipulation issued by the board pursuant to this chapter.
22. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter.
23. Charging or collecting a clearly excessive fee. In determining the reasonableness of a fee, the fee customarily charged in the locality for similar services shall be considered in light of modifying factors, such as the time required, the complexity of the service and the skill requisite to perform the service properly. This paragraph does not apply if there is a clear written contract for a fixed fee between the podiatrist and the patient that has been entered into before the licensee provides the service.
24. Obtaining a fee by fraud, deceit or misrepresentation.
25. Charging a fee for services not rendered.
26. Failing to dispense drugs and devices in compliance with article 4 of this chapter.

32-855. Violations; classification; injunctive relief

A. A person is guilty of a class 2 misdemeanor who:

1. Practices or advertises or holds himself out as practicing or entitled to practice podiatry, or who in a sign or advertisement uses the term chiropodist, foot specialist, podiatrist, practapedist or other term or letter indicating or implying that he practices podiatry or foot correction, without having at the time a valid unrevoked license to practice podiatry.
 2. Otherwise violates this chapter.
- B. The superior court is vested with jurisdiction to restrain any actual or threatened violation of this chapter by an action filed by the board in the county where the cause of action arises.

ARTICLE 4

32-871. Dispensing of drugs and devices; conditions; definition

A. A podiatrist may dispense drugs and devices kept by the podiatrist if:

1. All drugs are dispensed in packages labeled with the following information:
 - (a) The dispensing podiatrist's name, address and telephone number.
 - (b) The date the drug is dispensed.
 - (c) The patient's name.
 - (d) The name and strength of the drug, directions for its use and any cautionary statements.
 2. The dispensing podiatrist enters into the patient's medical record the name and strength of the drug dispensed, the date the drug is dispensed and the therapeutic reason.
 3. The dispensing podiatrist keeps all drugs in a locked cabinet or room, controls access to the cabinet or room by a written procedure and maintains an ongoing inventory of its contents.
- B. Except in an emergency situation, a podiatrist who dispenses drugs for a profit without being registered by the board to do so is subject to a civil penalty by the board of not less than three hundred dollars and not more than one thousand dollars for each transaction and is prohibited from further dispensing for a period of time as prescribed by the board.
- C. Prior to dispensing a drug pursuant to this section the patient shall be given a written prescription on which appears the following statement in bold type:

"This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice."

- D. A podiatrist shall dispense for profit only to his own patient and only for conditions being treated by that podiatrist. The podiatrist shall provide direct supervision of a nurse or attendant involved in the dispensing process. In this subsection, "direct supervision" means that a podiatrist is present and makes the determination as to the legitimacy or the advisability of the drugs or devices to be dispensed.
- E. This section shall be enforced by the board which shall establish rules regarding labeling, record keeping, storage and packaging of drugs that are consistent with the requirements of chapter 18 of this title. The board may conduct periodic inspections of dispensing practices to assure compliance with this section and applicable rules.
- F. For the purposes of this section, "dispense" means the delivery by a podiatrist of a prescription drug or device to a patient, except for samples packaged for individual use by licensed manufacturers or repackagers of drugs, and includes the prescribing, administering, packaging, labeling and security necessary to prepare and safeguard the drug or device for delivery.

ARIZONA ADMINISTRATIVE CODE

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

Supp. 06-1

(Authority: A.R.S. § 32-801 et seq.)

Chapter 25, consisting of Sections R4-25-101 through R4-25-103, R4-25-201 through R4-25-203, R4-25-301 through R4-25-304, R4-25-401, and R4-25-501 through R4-25-506, renumbered and amended, and new rules adopted effective November 18, 1986.

Former Chapter 25, consisting of Sections R4-25-01 through R4-25-04, R4-25-20, R4-25-30 through R4-25-33, R4-25-40, and R4-25-50 through R4-25-53, renumbered and amended effective November 18, 1986.

ARTICLE 1. GENERAL PROVISIONS

Section

R4-25-101. Definitions

R4-25-102. Postdoctoral, Internship, and Residency Training Program Approval

R4-25-103. Fees

R4-25-104. Time-frames for Approvals

R4-25-105. Repealed

R4-25-106. Renumbered

R4-25-107. Repealed

Table 1. Time-frames (in days)

ARTICLE 2. EXAMINATIONS

Section

R4-25-201. Examination of Applicants

R4-25-202. Repealed

R4-25-203. Oral Examination Procedures

ARTICLE 3. LICENSES

Section

R4-25-301. Application for a Regular Podiatry License

R4-25-302. Application for a Podiatrist's License by Comity

R4-25-303. Application for a Provisional Licensee

R4-25-304. Repealed

R4-25-305. Supervision of a Provisional Licensee

R4-25-306. License Renewal

ARTICLE 4. REHEARING OR REVIEW

Section

R4-25-401. Rehearing or Review

ARTICLE 5. CONTINUING EDUCATION

Section

R4-25-501. Continuing Education Hours Required

R4-25-502. Approval of Continuing Education

R4-25-503. Documentation

R4-25-504. Repealed

R4-25-505. Waiver of Continuing Education

ARTICLE 6. DISPENSING DRUGS AND DEVICES

Section

R4-25-601. Reserved

R4-25-602. Registration Requirements

R4-25-603. Prescribing and Dispensing Requirements

R4-25-604. Recordkeeping and Reporting Shortages

R4-25-605. Registration Renewal

ARTICLE 1. GENERAL PROVISIONS

R4-25-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Administer" has the same meaning as in A.R.S. § 32-1901.
2. "Administrative completeness review" means the Board's process for determining that an applicant has:
 - a. Provided all the information and documents required by Board statute or rule for an application, and
 - b. Taken a written examination or oral examination required by the Board.
3. "Applicant" means an individual requesting an approval from the Board.
4. "Application packet" means all forms, documents, and additional information required by the Board to be submitted with an application by an applicant or on the applicant's behalf.
5. "Comity" means the procedure for granting an Arizona license to an applicant who is licensed as a podiatrist in another state of the United States.
6. "Contested case" has the same meaning as in A.R.S. § 41-1001.
7. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to the practice of podiatry.
8. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
9. "Council" means the Council of Podiatric Medical Education, an organization approved by the American Podiatry Association to govern podiatric education.
10. "Credit hour" means 60 minutes of participation in continuing education.
11. "Day" means calendar day.
12. "Device" has the same meaning as in A.R.S. § 32-1901 and includes a prescription-only device defined in A.R.S. § 32-1901.
13. "Directly supervise" has the same meaning as "direct supervision" in A.R.S. § 32-871(D).
14. "Dispense" has the same meaning as in A.R.S. § 32-871(F).
15. "Distributor" has the same meaning as in A.R.S. § 32-1901.
16. "Drug" has the same meaning as in A.R.S. § 32-1901 and includes a controlled substance, a narcotic drug defined in A.R.S. § 32-1901, a prescription medication, and a prescription-only drug.
17. "Fiscal year" means the period beginning on July 1 and ending on the following June 30.
18. "Hospital" means a classification of health care institution that meets the requirements in A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10, Article 2.
19. "Informed consent" means a document signed by a patient or patient's representative that authorizes treatment to the patient after the treating podiatrist informs the patient or the patient's representative of the following:
 - a. A description of the treatment;
 - b. A description of the expected benefits of the treatment;
 - c. Alternatives to the treatment;
 - d. Associated risks of the treatment, including potential side effects and complications; and
 - e. The patient's right to withdraw authorization for the treatment at any time.
20. "Label" has the same meaning as in A.R.S. § 32-1901.
21. "Manufacturer" has the same meaning as in A.R.S. § 32-1901.
22. "Medical record" has the same meaning as in A.R.S. § 12-2291(4).
23. "One-year internship program" means the successful completion of either of the following:
 - a. American Podiatric Medical Association-approved one-year program, or
 - b. First-year post-graduate approved residency or preceptorship program in either a medical or surgical clinical science dealing directly with patients.
24. "Packaging" means the act or process of a person placing a drug item in a container for the purpose of dispensing or distributing the item to another person.
25. "Party" has the same meaning as in A.R.S. § 41-1001.
26. "Patient" means an individual receiving treatment from a podiatrist.
27. "PMLexis examination" means the test required by A.R.S. § 32-825(C)(2).
28. "Prescription medication" has the same meaning as in A.R.S. § 32-1901.
29. "Prescription-only device" has the same meaning as in A.R.S. § 32-1901.
30. "Prescription-only drug" has the same meaning as in A.R.S. § 32-1901.
31. "Prescription order" has the same meaning as in A.R.S. § 32-1901.
32. "Provisional licensee" means an individual licensed under A.R.S. § 32-826(B).
33. "Regular podiatry license" means a license issued pursuant to the provisions of A.R.S. § 32-826(A).
34. "Representative" means a legal guardian, an individual acting on behalf of another individual under written authorization from the individual, or a surrogate according to A.R.S. § 36-3201.
35. "Substantive review" means the Board's process for determining that an applicant meets the requirements of A.R.S. §§ 32-801 through 32-871 and this Article.
36. "Treatment" means podiatric medical, surgical, mechanical, manipulative, or electrical treatment according to A.R.S. § 32-801.

37. "Visit" means to seek diagnosis or treatment of an ailment of the foot or leg from a podiatrist and be physically present for the diagnosis or treatment.

Historical Note

Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-01 renumbered and amended as Section R4-25-101 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-102. Postdoctoral, Internship, and Residency Training Program Approval

- A. For purposes of satisfying the requirements of A.R.S. § 32-826(A), a postdoctoral, internship, or residency training program approved by the Council is approved by the Board.
- B. A postdoctoral, internship, or residency training program provisionally approved or placed on probation by the Council is approved by the Board until the Council makes a final adverse determination of the status of the postdoctoral, internship, or residency training program.

Historical Note

Adopted effective March 16, 1981 (Supp. 81-2). Former Section R4-25-02 renumbered and amended as Section R4-25-102 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-103. Fees

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for examination according to A.R.S. §§ 32-822(A) and 32-825, \$450.00.
2. Application for examination according to A.R.S. § 32-827, \$450.00.
3. License issuance, \$225.00.
4. Annual renewal, \$275.00.
5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
6. Certification of a licensee to authorities of another state or country, \$10.00.
7. For initial registration to dispense drugs and devices, \$200.00.
8. For annual renewal of registration to dispense drugs and devices, \$100.00.

Historical Note

Former Rule 3; Repealed effective August 30, 1978 (Supp. 78-4). Adopted as an emergency effective December 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-6). Former emergency adoption now adopted effective April 9, 1981 (Supp. 81-2). Former Section R4-25-03 repealed, new Section R4-25-03 adopted effective April 18, 1984 (Supp. 84-2). Former Section R4-25-03 renumbered without change as Section R4-25-103 effective November 18, 1986 (Supp. 86-6). Amended effective May 7, 1990 (Supp. 90-2). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 12 A.A.R. 479, effective April 8, 2006 (Supp. 06-1).

R4-25-104. Time-frames for Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1.
1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1.
1. The administrative completeness review time-frame begins:
 - a. For approval to take both a written and an oral podiatry examination or only an oral podiatry examination, when the Board receives an application packet required in R4-25-301 or R4-24-302;
 - b. For approval of a provisional license, when the Board receives the application packet required in R4-25-303;
 - c. For approval of a registration to dispense drugs, when the Board receives the application packet required in R4-25-602;
 - d. For approval of a regular podiatry license, when the applicant sits for both a written and an oral podiatry examination or only an oral examination;
 - e. For approval of an application for renewal of a license or dispensing registration, when a licensee submits an application packet to the Board; or
 - f. For approval of continuing education, when the Board receives a request for approval.
 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.

4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
- D. The Board shall consider an application withdrawn if, within 360 days from the application submission date, the applicant fails to:
 1. Supply the missing information under subsection (B)(2) or (C)(1), or
 2. Take both a written and an oral podiatry examination or only an oral podiatry examination.
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

Historical Note

Former Rule 4; Repealed effective August 30, 1978 (Supp. 78-4). Adopted effective March 13, 1986 (Supp. 86-2). Former Section R4-25-04 renumbered without change as Section R4-25-104 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-105. Repealed

Historical Note

Former Rule 5; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-05 renumbered without change as Section R4-25-105 effective November 18, 1986 (Supp. 86-6).

R4-25-106. Renumbered

Historical Note

Former Rule 6; Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Former Section R4-25-06 renumbered without change as Section R4-25-106 effective November 18, 1986 (Supp. 86-6).

R4-25-107. Repealed

Historical Note

Former Rule 7; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-07 renumbered without change as Section R4-25-107 effective November 18, 1986 (Supp. 86-6).

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take a Written and Oral Examination or Oral Examination Only (R4-25-301)	A.R.S. § 32-822 A.R.S. § 32-823 A.R.S. § 32-824	90	30	60
Regular Podiatry License (R4-25-301)	A.R.S. § 32-826	60	30	30
License by Comity (R4-25-302)	A.R.S. § 32-827	60	30	30
Provisional License (R4-25-304)	A.R.S. § 32-826	60	30	30

Dispensing Registration (R4-25-602)	A.R.S. § 32-871	60	30	30
License Renewal (R4-25-306)	A.R.S. § 32-829	60	15	45
Registration Renewal (R4-25-605)	A.R.S. § 32-871	60	30	30
Continuing Education Approval (R4-25-502)	A.R.S. § 32-829	60	15	45

Historical Note

New Table 1 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 2. EXAMINATIONS

R4-25-201. Examination of Applicants

- A. The Board administers the state oral examination each year in June and December.
- B. An applicant who meets the requirements in A.R.S. § 32-827 for licensure by comity shall pass the state oral examination with a grade of 75% or more.
- C. An applicant who does not meet the requirements in A.R.S. § 32-827 for licensure by comity shall pass the PMLexis examination and state oral examination with a grade of 75% or more.
- D. An applicant licensed to practice podiatry in a state other than Arizona who is applying to the Board for a license by comity and who:
 1. Passed the PMLexis examination in a state other than Arizona with a score of 75% or more within five years of the application submission date meets the examination requirements of A.R.S. § 32-825, or
 2. Did not pass the PMLexis examination in any state with a score of 75% or more does not meet the examination requirements of A.R.S. § 32-825 and shall pass the PMLexis examination with a score of 75% or more to be licensed in this state.

Historical Note

Adopted as an emergency effective April 21, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-2).

Adopted effective August 30, 1978 (Supp. 78-4). Amended subsection (A) effective March 16, 1981 (Supp. 81-2).

Former Section R4-25-20 renumbered and amended as Section R4-25-201 effective November 18, 1986 (Supp. 86-6).

Section repealed, new Section adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-202. Repealed

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-203. Oral Examination Procedures

- A. An applicant taking an oral examination shall:
 1. Be present to take the examination at the date, time, and place scheduled by the Board;
 2. During the examination, not communicate with another applicant except with the permission of the examiner; and
 3. Except for a writing instrument, not bring examination assistance, such as books or equipment, into the examination room unless given permission by the Board.
- B. An applicant may submit written comments to the Board about an oral examination after the examination concludes.
- C. An applicant who does not meet the requirements in subsection (A):
 1. Shall not be permitted by the Board to complete an oral examination,
 2. Forfeits the examination fee, and
 3. May submit a new application to take an examination and the examination fee.

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 3. LICENSES

R4-25-301. Application for a Regular Podiatry License

- A. No later than 90 days before a written or oral examination date, an applicant for a regular license shall submit:
1. An application form provided by the Board, signed and dated by the applicant and notarized that contains:
 - a. The applicant's name, address, social security number, telephone number, and date of birth;
 - b. The name and address of the applicant's employer at the time of application;
 - c. The name, address, and type of facility at which the applicant served as an intern or resident in podiatric medicine;
 - d. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
 - e. The name and address of the podiatric medical school from which the applicant graduated, dates of attendance, and date of graduation;
 - f. The name of each state or jurisdiction in which the applicant is currently or has been licensed as a podiatrist and address of the licensing agency;
 - g. A statement of whether the applicant has taken and passed a national podiatric examination in any state and date of passage, if applicable;
 - h. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude;
 - i. A statement of whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any state or jurisdiction;
 - j. A statement of whether the applicant has ever had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction;
 - k. A statement of whether the applicant has ever entered into a consent agreement or stipulation with any state or jurisdiction;
 - l. A statement of whether the applicant has ever been named as a defendant in any medical malpractice matter that resulted in a settlement or judgment against the applicant;
 - m. A statement of whether the applicant has any medical condition that in any way impairs or limits the applicant's ability to practice podiatric medicine; and
 - n. A statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and was not procured through fraud or misrepresentation.
 2. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
 3. A photocopy of the diploma issued to the applicant upon completion of podiatric school;
 4. A photocopy of the residency certificate issued to the applicant upon completion of residency; and
 5. The fee required in R4-25-103.
- B. An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. The transcript shall be received by the Board no less than 30 days before the date of an oral examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-30 renumbered without change as Section R4-25-301 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-302. Application for a Podiatrist's License by Comity

- A. Under A.R.S. § 32-827, an applicant for a podiatrist's license by comity shall submit to the Board, a minimum of 90 days before an oral examination date, an application form provided by the Board, signed and dated by the applicant and notarized that contains the information in R4-25-301(A)(1) and the following:
1. A photocopy of a current podiatric license in good standing issued in another state or jurisdiction;
 2. Written documentation of having been engaged in the practice of podiatric medicine for five of seven years immediately preceding the application;
 3. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
 4. The fee required in R4-25-103.
- B. An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. The transcript shall be received by the Board no less than 30 days before the date of an oral examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-31 renumbered and amended as Section R4-25-302 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-303. Application for a Provisional Licensee

Under A.R.S. § 32-326, an applicant for a regular license who receives a passing grade on the written examination and intends to practice podiatry in Arizona but has not yet completed a one-year internship, shall apply to the Board for a provisional license

within 30 days from the date the Board issues the notice of approval under R4-25-104(C). The applicant shall submit to the Board an application form provided by the Board, signed and dated by the applicant and notarized that contains:

1. The applicant's name, address, social security number, telephone number, and date of birth;
2. The name and address of the facility at which the applicant will be serving as an intern in podiatric medicine;
3. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
4. A statement of whether the applicant has passed a podiatric national board examination and date of passage;
5. A statement of whether the applicant has taken and passed the oral examination in Arizona; and
6. A notice of intent to practice podiatry in Arizona.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Former Section R4-25-32 renumbered and amended as Section R4-25-303 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). former Section R4-25-303 renumbered to R4-25-305, new Section R4-25-303 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-304. Repealed

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-33 renumbered without change as Section R4-25-304 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-305. Supervision of a Provisional Licensee

- A. No later than the 20th day of each month, a provisional licensee shall submit to the Board the following information about each patient's treatment for the previous 30 days:
1. The initials of the patient's first and last name, age, and gender;
 2. The date of each visit;
 3. The reason for the patient's visit;
 4. The patient's diagnosis;
 5. The treatment provided including a list of all prescription orders and drugs or devices administered or dispensed;
 6. A copy of the informed consent form signed by the patient before a surgical procedure was performed on the patient; and
 7. The location of the patient when treated.
- B. Before a regular license is issued to a provisional licensee, the Board shall meet with the provisional licensee to determine whether the provisional licensee obtained podiatry experience equal to experience in a one-year-internship program.
1. The Board shall send a written notice to the provisional licensee informing the provisional licensee of the location, date, and time of the Board meeting.
 2. At the Board meeting, the Board shall review the information required by subsection (A) and consider the following:
 - a. The number of patients treated.
 - b. The diversity and complexity of treatment,
 - c. The expertise required of the provisional licensee while treating each patient, and
 - d. The evaluation performed by the provisional licensee of the necessity for treatment.
- C. If the Board determines that the provisional licensee obtained podiatry experience equal to experience in a one-year internship program and meets the requirements in A.R.S. § 32-826, the Board shall issue a regular podiatry license to the provisional licensee.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Section R4-25-305 renumbered from R4-25-303 by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-306. License Renewal

On or before June 30 of each year, a licensee shall submit the renewal fee required in R4-25-103 and:

1. A renewal application that contains the following information:
 - a. The licensee's name, home and business mailing addresses, and location of practice;
 - b. Whether the licensee has been named as a defendant in a medical malpractice matter during the 12 months before the date of the renewal application, including:
 - i. The name of the court having jurisdiction over the medical malpractice matter and case number assigned to the medical malpractice matter, and
 - ii. Copies of all court documents relating to the medical malpractice matter;
 - c. Whether the licensee has been convicted of a felony or a misdemeanor involving moral turpitude during the 12 months before the date of the renewal application;
 - d. Whether the licensee's malpractice or professional liability insurance has been denied, suspended, or revoked during the 12 months before the date of the renewal application;

- e. Whether the licensee's Drug Enforcement Administration Certificate of Registration required in R4-25-602 has been suspended or revoked during the 12 months before the date of the renewal application, or is currently under investigation;
 - f. Whether the licensee has had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction during the 12 months before the date of the renewal application;
 - g. Whether the licensee has been treated for alcoholism or drug abuse during the 12 months before the date of the renewal application;
 - h. Whether the licensee has a medical condition that in any way impairs or limits the licensee's ability to practice podiatric medicine;
 - i. Whether the licensee has been denied staff membership in a hospital or other health care institution, as defined in A.R.S. § 36-401, during the 12 months before the date of the renewal application;
 - j. Whether the licensee has been investigated by a health insurance company for health insurance fraud during the 12 months before the date of the renewal application; and
 - k. A statement by the licensee that the information on the renewal application is true and correct and the licensee's signature;
- 2. If the licensee answers yes to any of the questions in subsections (1)(c) through (1)(j), an explanation of each answer including applicable dates, outcomes, and current status; and
 - 3. The written report required in R4-25-503 for continuing education, including a notarized affirmation of attendance signed by the licensee.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 4. REHEARING OR REVIEW

R4-25-401. Rehearing or Review

- A. Except as provided in subsection (G), a party who is aggrieved by a decision issued by the Board may file with the Board no later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known home or business address or five days after the decision is mailed by certified mail to the party or the party's attorney.
- B. A party filing a motion for rehearing or review may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion or amended motion by any other party for rehearing or review is filed. The Board may require a party to file a supplemental memorandum explaining the issues raised in the motion or response and may permit oral argument.
- C. The Board may grant a rehearing or review of the decision for any of the following reasons materially affecting the moving party's rights:
 - 1. Irregularity in the Board's administrative proceedings or an abuse of discretion that deprived the party of a fair hearing,
 - 2. Misconduct of the Board or the prevailing party,
 - 3. Accident or surprise that could not have been prevented by ordinary prudence,
 - 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing,
 - 5. Excessive or insufficient penalties,
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing, or
 - 7. That the decision is not supported by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the ground for the rehearing or review.
- E. No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reason in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- F. When a motion for rehearing or review is based upon affidavits, a party shall serve the affidavits with the motion. An opposing party may, within 10 days after service, serve opposing affidavits. The Board may extend the time for serving opposing affidavits for no more than 20 days for good cause or by written stipulation of the parties. The Board may permit reply affidavits.
- G. If the Board makes specific findings that the immediate effectiveness of a decision is necessary to preserve the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for rehearing or review. If a decision is issued as a final decision without an opportunity for a rehearing or review, an aggrieved party that makes an application for judicial review of the decision shall make the application within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 12-904.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-40 renumbered and amended as Section R4-25-401 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 5. CONTINUING EDUCATION

R4-25-501. Continuing Education Hours Required

- A. Unless a licensee obtains a waiver according to R4-25-505, the licensee shall complete 25 hours or more of continuing education credit hours every fiscal year.
- B. A licensee who has been licensed for less than 12 months before license renewal shall complete two continuing education credit hours for each month of licensure.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-50 renumbered and amended as Section R4-25-501 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-502. Approval of Continuing Education

- A. A licensee may submit a written request to the Board for approval of continuing education before submission of a renewal application.
- B. A request under subsection (A) shall contain:
 - 1. A brief summary of the continuing education;
 - 2. The educational objectives of the continuing education;
 - 3. The date, time, and place of the provision of the continuing education;
 - 4. The name of the individual providing the continuing education, if available; and
 - 5. The name of the organization providing the continuing education, if applicable.
- C. In determining whether to approve continuing education, the Board shall consider whether the continuing education:
 - 1. Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;
 - 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 - 3. Contributes directly to the professional competence of a licensee.
- D. A licensee may request approval of 10 credit hours or less of continuing education if provided in any of the following ways:
 - 1. On the internet,
 - 2. On a cd-rom, or
 - 3. In podiatric medical literature, such as a journal.
- E. The Board shall approve or deny a request for approval according to the time-frames set forth in R4-25-104 and Table 1.
- F. According to A.R.S. § 32-829(E), if approval of a continuing education request is denied, a licensee has 60 days from the date of the denial to meet the continuing education requirements.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-51 renumbered and amended as Section R4-25-502 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-503. Documentation

- A. A licensee shall submit a written report of completed continuing education with a renewal application that includes:
 - 1. The name of the licensee,
 - 2. The title of each continuing education,
 - 3. A description of the continuing education's content and educational objectives,
 - 4. The date of completion of each continuing education,
 - 5. The number of credit hours of each continuing education, and
 - 6. A statement signed by the licensee verifying the information in the report.
- B. The Board may audit continuing education reports every 12 months for conformance with A.R.S. § 32-829 and this Article:
 - 1. Randomly; or
 - 2. Selectively for licensees who previously submitted reports that did not conform with the requirements in A.R.S. § 32-829 or this Article.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-52 renumbered and amended as Section R4-25-503 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-504. Repealed

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-53 renumbered and amended as Section R4-25-504 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-505. Waiver of Continuing Education

- A. A licensee who is unable to complete 25 hours of continuing education for any of the reasons in A.R.S. § 32-829(C) may submit a written request for a waiver to the Board by August 31 that contains:
1. The name, address, and telephone number of the licensee;
 2. The report required in R4-25-503;
 3. An explanation of why the licensee was unable to meet the Board's continuing education requirements that includes one of the reasons in A.R.S. § 32-829(C); and
 4. The signature of the licensee.
- B. The Board shall send written notice of approval or denial of the request for waiver within seven days of receipt of the request.
- C. If the Board denies a request for a waiver, a licensee has 60 days from the date of the denial to meet the requirements for continuing education.

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 6. DISPENSING DRUGS AND DEVICES

R4-25-601. Reserved

R4-25-602. Registration Requirements

An individual currently licensed as a podiatrist in this state who wishes to dispense drugs and devices shall register with the Board by submitting all of the following:

1. The podiatrist's current Drug Enforcement Administration Certificate of Registration issued by the Department of Justice under 21 U.S.C. 801 et seq.;
2. The fee required in R4-25-103; and
3. An application form provided by the Board, signed and dated by the podiatrist, and notarized that contains:
 - a. The podiatrist's name,
 - b. The address of each location where the podiatrist intends to dispense drugs and devices, and
 - c. The types of drugs and devices the podiatrist intends to dispense.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-603. Prescribing and Dispensing Requirements

A podiatrist shall:

1. Not dispense a drug unless the drug is obtained from a manufacturer or distributor licensed in any state or jurisdiction;
2. Ensure that a drug or device is dispensed only to a patient being treated by the podiatrist;
3. Before dispensing a drug, provide a patient with a written prescription order that:
 - a. Contains the following statement in bold type: "This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice," and
 - b. Is signed by the podiatrist;
4. Directly supervise each individual involved in preparing a drug that is dispensed;
5. Ensure that a drug is:
 - a. Dispensed in a prepackaged container or in a light-resistant container with a consumer safety cap; and
 - b. Labeled with the following information:
 - i. The podiatrist's name, address, and telephone number;
 - ii. The date the drug is dispensed;
 - iii. The patient's name; and
 - iv. The name, strength of the drug, and directions for the drug's use;
6. Ensure that the original prescription order for a drug is countersigned and dated by the individual who prepared the drug for dispensing;
7. Before a drug or device is dispensed to a patient:
 - a. Review the drug or device to ensure compliance with the prescription order;
 - b. Ensure the patient is informed of the following:
 - i. The name of the drug or device,
 - ii. Directions for taking the drug or using the device,
 - iii. Precautions for the drug or device, and
 - iv. Directions for storing the drug or device;
8. Document in the medical record the following for each patient:

- a. Name of the drug or device dispensed,
- b. Strength of the drug dispensed,
- c. Date the drug or device is dispensed, and
- d. Therapeutic reasons for dispensing the drug or device;
- 9. Maintain an inventory record for each drug that contains:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Date the drug was received by the podiatrist,
 - d. Amount of the drug received by the podiatrist,
 - e. Name of the manufacturer and distributor of the drug, and
 - f. A unique identifying number provided by the manufacturer or distributor of the drug;
- 10. Store a drug in a locked cabinet or room and:
 - a. Establish a written policy for access to the locked cabinet or room, and
 - b. Make the written policy available to the Board or its authorized agent within 72 hours of a Board request;
- 11. Ensure that a drug is stored at temperatures recommended by the manufacturer of the drug; and
- 12. Maintain a dispensing log, separate from the inventory record for each drug dispensed that includes the:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Amount of the drug,
 - d. Patient's name,
 - e. Date the drug was dispensed, and
 - f. The name and signature of the podiatrist who dispensed the drug.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-604. Recordkeeping and Reporting Shortages

- A. A prescription order written by a podiatrist for a drug shall:
 - 1. Contain the:
 - a. Name of the patient,
 - b. Date the prescription order is written, and
 - c. Name and signature of the podiatrist;
 - 2. Be numbered consecutively; and
 - 3. Be maintained separately from a medical record.
- B. A podiatrist shall maintain an invoice of a drug purchased from a manufacturer or distributor for three years from the date purchased.
- C. A podiatrist shall maintain the inventory record in R4-25-603(9) and the dispensing log in R4-25-603(12) for seven years from the date of entry.
- D. A podiatrist who discovers that a drug identified in the podiatrist's inventory record cannot be accounted for shall:
 - 1. Within 48 hours of discovery or the next business day if a weekend or holiday, whichever is later, notify the appropriate law enforcement agency and the federal Drug Enforcement Administration; and
 - 2. Provide written notification to the Board within seven days from the date of the discovery, including the name of the law enforcement agency notified.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-605. Registration Renewal

- A. A podiatrist shall renew a registration no later than June 30 of each year by submitting to the Board:
 - 1. An application form provided by the Board, signed and dated by the podiatrist, and notarized that contains:
 - a. The podiatrist's name,
 - b. The address of each location where the podiatrist dispenses drugs and devices,
 - c. The types of drugs and devices the podiatrist dispenses, and
 - d. The podiatrist's Drug Enforcement Administration registration number issued by the Department of Justice under 21 U.S.C. 801 et seq.; and
 - 2. The fee required in R4-25-103.
- B. If a podiatrist fails to submit the information required in subsection (A) and the registration renewal fee required in R4-25-103 by June 30, the podiatrist's registration expires. If a registration expires, the podiatrist shall:
 - 1. Immediately cease dispensing drugs or devices, and
 - 2. Register pursuant to R4-25-602 before dispensing drugs and devices.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).